



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,631	12/22/2006	Gabriele Blume	WSP242US	1303
49003	7590	02/26/2009	EXAMINER	
MICHAEL L. DUNN SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221			BERRIOS, JENNIFER A	
ART UNIT	PAPER NUMBER	4121		
MAIL DATE	DELIVERY MODE	02/26/2009 PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10567631	12/22/2006	BLUME ET AL.	WSP242US

EXAMINER

Jennifer A. Berrios

ART UNIT	PAPER
----------	-------

4121 20090224

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 2/17/2009 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): A species was not elected for a lipid conjugate, lipid conjugate solvent, nicotinic compound and alcohol found on page 2 paragraph 2 of the Restriction/election Requirement. Applicant is required to elect a specific species of the above constituents.

In response to Attorney Dunn's comments on PCT Practice and species election, the Attorney is referred to MPEP 1850 III, Section B ("So-called "Markush Practice"), which states: "When dealing with alternatives, if it can be shown that at least one Markush alternative is not novel over the prior art, the question of unity should be reconsidered by the examiner." The US patents 6022561, 3645390, 3890333 and 3642549, demonstrate that each species as recited above, lack a special technical feature in view of the prior art.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LYNDSEY SHAAK whose telephone number is (571)270-7676. The examiner can normally be reached on Monday to Friday 8:00 am to 5:00 pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on 571-272-8047. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JB

/Patrick J. Nolan/  
Supervisory Patent Examiner, Art Unit 4121